

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: April 13, 2016

RE: CASE #CU-16-005
REQUEST: To change an existing nonconforming use (plumbing shop) to another, more restrictive nonconforming use (small engine repair) in an R-3/Low Density Multi-family Residential District at 1109 North 15th Street, being Lots 8 and 9, Block 6, Thompson's Addition.

APPLICABLE

CODE SECTION: §15.02.020 - Zoning board of adjustment.
The zoning board of adjustment shall have the following powers, pursuant to this ordinance:
D. The zoning board of adjustment shall have the following authority in regard to nonconformities:
1. If no structural alterations are made, any nonconforming use may, as a conditional use, be changed to another nonconforming use, provided that the zoning board of adjustment finds that the proposed use is more appropriate for the district than the existing nonconforming use. In permitting this change, the zoning board of adjustment may require appropriate conditions consistent with Chapter 15.26.

LEGAL

DESCRIPTION: Lots 8 and 9, Block 6, Thompson's Addition

LOCATION: 1109 North 15th Street

PROPERTY

OWNER: Lori Jane Reimer, 911 – 18th Avenue, Apt. C, Council Bluffs, IA 51501

APPLICANT: Michael Corcoran, 902 South 13th Street, Council Bluffs, IA 51501

BACKGROUND INFORMATION – In July, 1993, the Zoning Board of Adjustment approved a conditional use permit which allowed a plumbing shop as a more restrictive nonconforming use of land in an R-3/Low Density Multi-Family Residential District at 1109 North 15th Street. The plumbing shop was approved because the Board found the use to be more appropriate in an R-3 District than the previous nonconforming use as an auto detailing shop. Prior to the detailing shop, the property had been used as a construction company, heavy equipment storage and a snow removal business. The conditional use was granted to Dan Ladd (Ladd Plumbing) and Robin Cannon (Ready Rooter) who, at the time, were leasing the property with an option to buy. According to Robin Cannon, Ready Rooter has not been at this location since October, 2014. It is not known when Ladd Plumbing left this location. In June 2015, Ms. Reimer requested that the conditional use permit be modified to allow the rebuilding/refurbishing of wooden pallets. That request was ultimately denied by the Board.

Michael Corcoran is now requesting that he be allowed to operate a small engine repair business at this location. The hours of operation would be Monday through Saturday, 9:00 a.m. until 6:00 p.m. Mr. Corcoran would be the only employee. A letter from the applicant to the Board is attached.

CURRENT ZONING AND LAND USE – The subject property is zoned R-3/Low Density Multi-Family residential and is currently vacant. Surrounding property include residential uses to the north, south, east and west, also zoned R-3. Hoy-Kilnoski Funeral Home, zoned C-2/Commercial, lies to the northwest.

CITY DEPARTMENTS AND UTILITIES – The following comments have been received from the Public Works Department:

- 1) Proposed use shows Parking along the south side of the building that will need to be hard surfaced.
- 2) Parking along south side of the building will require the adjacent alley to be used for circulation to accommodate the parking. This will require that the alley be improved.
- 3) Currently there is a perimeter fence located within the 15th Street and Avenue "L" r.o.w. that will need to be relocated to the r.o.w./ property line.

Neither the Fire Marshall nor the Chief Building Official are opposed to the requested use.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of this block have been notified of the requested modification. No comments have been received.

COMMENTS

The zoning board of adjustment shall have the following authority in regard to nonconformities: If no structural alterations are made, any nonconforming use may, as a conditional use, be changed to another nonconforming use, provided that the zoning board of adjustment finds that the proposed use is more appropriate for the district than the existing nonconforming use. In permitting this change, the zoning board of adjustment may require appropriate conditions consistent with Chapter 15.26.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

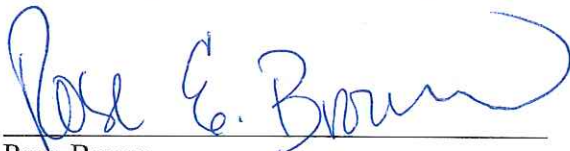
1. The proposed modification will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The size of the property is adequate for use as a small engine repair business.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *No utility service extensions and/or infrastructure upgrades are necessary for a small engine repair business to operate at this location*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The subject property abuts Avenue L and North 15th Street, neither of which is constructed to current City standards. The applicant shall work with the Public Works Department to determine the appropriate design and location for any future driveways, including any necessary improvements to the abutting alley. The proposed use will not impact the existing traffic patterns in the area.*
4. All necessary permits and licenses required for the operation of the proposed use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway and parking lot permits from the City. Any proposed signage shall receive a sign permit from the City prior to installation.*

5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *Additional lighting is not proposed.*
6. The location and size of the use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The property is currently vacant. The proposed use, if conducted properly, will not have a negative effect on the surrounding land uses. In order to approve the requested modification, the Board must find that the proposed use is appropriate for a residential district.*
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *New landscaping and fencing are proposed which will enhance the appearance of the property.*
8. The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *If operated properly the proposed use should not impact the current valuation of the surrounding properties. It is not anticipated that the proposed use will adversely impact the surrounding properties.*

RECOMMENDATION

The Community Development Department recommends approval of the request to change an existing nonconforming use (plumbing shop) to another, more restrictive nonconforming use (small engine repair) in an R-3/Low Density Multi-family Residential District at 1109 North 15th Street, being Lots 8 and 9, Block 6, Thompson's Addition, subject to the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The existing fence shall be removed and re-installed on the property line, and not within the street right-of-way.
3. The east entrance to the overhead door, office door and storage area shall be paved. A parking pad to accommodate two vehicles shall be allowed with access off of the alley. The remainder of the south yard area shall be seeded.
4. All off-street parking spaces, driveways and drive aisles shall be hard-surfaced and designed to comply with the standards stated in Section 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance. The applicant shall work with the Public Works Department to determine the appropriate design and location for any future driveways, including any necessary improvement to the abutting alley.
4. Signage shall be limited to one sign, attached to the building, which shall not exceed 32 square feet.
5. The proposed storage yard shall be screened. A detailed plan outlining the screening materials shall be submitted to the Community Development Department for review and approval.



Rose Brown
Planning Coordinator



Rebecca Sall
Assistant Planner

To Whom It May Concern:

March 21, 2016

In reference to the 1109 N 15th Street location, I would like to operate a quiet, small engine repair business at this location. With careful consideration to the local properties and homes surrounding this location. This will NOT be a car repair business.

Historically, I run my business very clean, and well managed, and also during working hours. I am very respectful to those around me, and those that may be helping in the shop as well.

The back lot of this property would be used for a temporary (no more than 30 day) storage for customer pick up and drop off of equipment. Customers are not allowed in the back lot of this property, only employees. The inside of the building will be used to conduct business as well as sales for new equipment. Handicap accessibility and renovation of the front entry door would be completed as well as landscaping to keep the integrity of the location true to the neighborhood or better.

Priorities and goals for running a small business at this location will include organization, and a well-kept environment for myself, customers and local residents to be proud of. I would also like to remove some dead trees, prune bushes and mend fencing where applicable giving the property a clean, fresh look.

A goal of mine would be to concrete the parking lots a year after I am established at this location if given the opportunity.

Thank you for your time, I look forward to hearing from you soon.

Hours 9-6 M-SaT
1 employee myself

Michael Corcoran, Owner and Operator

Mike Corcoran Small Engine Repair

402.713.9845

1109 N. 15th ST

AVE L

